

SENATE BILL 286

Unofficial Copy  
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2001 Regular Session  
(11r1305)

**ENROLLED BILL**  
*-- Judicial Proceedings/Judiciary --*

Introduced by **Senator Astle**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Anne Arundel County Department of Detention Facilities - Home Detention**  
3 **and Farm Labor Programs**

4 FOR the purpose of requiring the Administrator of the Anne Arundel County  
5 Department of Detention Facilities to establish and administer a home  
6 detention program and adopt regulations for the program; restricting which  
7 inmates may be eligible for the program; providing that the inmates who  
8 participate in the program are responsible for certain expenses and may be  
9 required to pay a fee in connection with the program; setting penalties for an  
10 inmate's violation of a term or condition of the program; authorizing the  
11 Administrator to limit the number of participants in the program; repealing  
12 authorization for the Administrator to assign certain inmates to perform farm  
13 labor under certain conditions; repealing funding provisions for a farm labor  
14 program; and generally relating to the home detention program and farm labor  
15 program administered by the Anne Arundel County Department of Detention  
16 Facilities.

17 BY repealing and reenacting, with amendments,

1 Article - Correctional Services  
2 Section 11-703  
3 Annotated Code of Maryland  
4 (1999 Volume and 2000 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Correctional Services**

8 11-703.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) "Administrator" means the Administrator of the County's local  
11 correctional facilities.

12 (3) "Participant" means a convicted individual who participates in a  
13 program under this section.

14 (4) "Program" means, unless the context requires otherwise, a  
15 rehabilitation, HOME DETENTION, or work program established and conducted under  
16 this section.

17 (b) This section applies only in Anne Arundel County.

18 (c) (1) If a provision of subsections (a) through (e) of this section is  
19 inconsistent with another provision in the Code, the provision of subsections (a)  
20 through (e) of this section controls.

21 (2) The privileges and penalties set forth in subsection [(d)(1)(v)]  
22 (E)(1)(V) and (vi) of this section are the exclusive privileges and penalties that relate to  
23 the length of sentence of a participant in a program.

24 (3) While released from confinement under the terms of a program, a  
25 participant is not an agent, employee, or servant of the county.

26 (D) (1) THE ADMINISTRATOR SHALL:

27 (I) ESTABLISH AND ADMINISTER A HOME DETENTION PROGRAM;  
28 AND

29 (II) ADOPT REGULATIONS FOR THE PROGRAM.

30 (2) (I) WHEN AN INDIVIDUAL WHO IS CONVICTED OF A CRIME IS  
31 SENTENCED OR AT ANY TIME DURING THE INDIVIDUAL'S CONFINEMENT AS AN  
32 INMATE, A ~~SENTENCING~~ JUDGE MAY ALLOW THE INDIVIDUAL TO PARTICIPATE IN  
33 THE HOME DETENTION PROGRAM.

1 (II) IN ADDITION TO PARTICIPATION AT THE RECOMMENDATION  
2 OF ~~THE SENTENCING A~~ JUDGE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~AT~~  
3 ~~ANY TIME AFTER AN INMATE HAS SERVED NOT LESS THAN 25% OF THE INMATE'S~~  
4 ~~SENTENCE~~, THE ADMINISTRATOR MAY PLACE THE INMATE IN THE HOME  
5 DETENTION PROGRAM.

6 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN INMATE IS  
7 ELIGIBLE FOR THE HOME DETENTION PROGRAM IF THE INMATE:

8 (I) IS RECOMMENDED FOR THE PROGRAM BY ~~THE SENTENCING A~~  
9 JUDGE OR PLACED IN THE PROGRAM BY THE ADMINISTRATOR UNDER PARAGRAPH  
10 (2) OF THIS SUBSECTION; AND

11 (II) HAS NO OTHER CHARGES PENDING IN ANY JURISDICTION.

12 (4) AN INMATE IS NOT ELIGIBLE FOR THE HOME DETENTION PROGRAM  
13 IF THE INMATE:

14 (I) IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE; OR

15 (II) HAS BEEN FOUND GUILTY OF THE CRIME OF:

16 1. CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE CODE; OR

17 2. ESCAPE UNDER ARTICLE 27, § 137 OF THE CODE.

18 (5) WHILE PARTICIPATING IN THE HOME DETENTION PROGRAM, AN  
19 INMATE IS RESPONSIBLE FOR:

20 (I) THE COSTS OF THE INMATE'S MEDICAL CARE AND RELATED  
21 EXPENSES; AND

22 (II) THE COSTS OF THE INMATE'S LODGING, FOOD, CLOTHING,  
23 TRANSPORTATION, RESTITUTION, AND TAXES.

24 (6) THE ADMINISTRATOR MAY:

25 (I) COLLECT A REASONABLE FEE FROM EACH INMATE  
26 PARTICIPATING IN THE HOME DETENTION PROGRAM; OR

27 (II) WAIVE OR REDUCE THE FEE.

28 (7) THE ADMINISTRATOR MAY DETERMINE THE MAXIMUM NUMBER OF  
29 PARTICIPANTS IN THE HOME DETENTION PROGRAM.

30 (8) AN INMATE WHO KNOWINGLY VIOLATES A TERM OR CONDITION OF  
31 THE HOME DETENTION PROGRAM IS SUBJECT TO:

32 (I) THE PENALTIES PROVIDED UNDER § 11-726 OF THIS SUBTITLE;  
33 AND

1 (II) ANY OTHER DISCIPLINARY ACTION AUTHORIZED UNDER LAW.

2 [(d)] (E) (1) The Administrator may:

3 (i) establish, for the rehabilitation and training of an inmate who  
4 is sentenced to imprisonment in a local correctional facility, a program that enables  
5 the inmate to:

6 1. attend a vocational or educational institution in the  
7 county;

8 2. work at gainful, private employment in the county; or

9 3. participate in any other training or rehabilitation program  
10 in the county;

11 (ii) establish eligibility criteria for participation in a program;

12 (iii) release an eligible inmate from actual confinement to  
13 participate in a program;

14 (iv) establish any other training or rehabilitation program;

15 (v) reduce a participant's sentence 1 day for each day that the  
16 participant:

17 1. performs with exceptional industry, application, and skill  
18 any industrial, agricultural, or administrative task assigned to the participant; or

19 2. performs with satisfactory industry, application, and  
20 progress in the program to which the participant is assigned; and

21 (vi) after an administrative hearing, cancel any earned diminution  
22 of an inmate's term of confinement if the inmate violates a regulation adopted under  
23 this section.

24 (2) (i) The Administrator shall adopt regulations to conduct each  
25 program.

26 (ii) In adopting the regulations, the Administrator shall consider  
27 the safety of the public and the security of a local correctional facility.

28 (iii) If a condition of sentence imposed by a court on an inmate is  
29 inconsistent with a regulation adopted under this subsection, the condition imposed  
30 by the court controls as to that inmate.

31 (3) While not released from confinement under the terms of a program,  
32 each participant shall be confined in a local correctional facility.

33 (4) (i) The Administrator or Administrator's designee shall collect  
34 each participant's total earnings, less payroll deductions.

1 (ii) From the participant's earnings, the Administrator or designee  
2 shall pay:

3 1. the cost to the County of providing food, lodging, and  
4 clothing for the participant;

5 2. the food, travel, and other expenses of the participant  
6 incidental to participation in the program;

7 3. voluntary or court-ordered payments for support of a  
8 dependent;

9 4. court-ordered costs and fines;

10 5. repayment to the State for court-appointed counsel;

11 6. if ordered by the court, repayment to the State for the  
12 services of the public defender; and

13 7. court-ordered payments for restitution.

14 (iii) The Administrator or designee shall:

15 1. credit to the participant's account any remaining balance;  
16 and

17 2. dispose of the balance as requested by the participant and  
18 as approved by the Administrator.

19 (5) A participant who knowingly violates a regulation adopted under this  
20 section:

21 (i) is subject to removal from the program;

22 (ii) after an administrative hearing, is subject to cancellation of any  
23 earned diminution of the inmate's term of confinement; and

24 (iii) is subject to the provisions of § 11-726 of this subtitle.

25 [(e)] (F) (1) A court may require an individual who is convicted of a crime to  
26 satisfy a fine or court costs by participating in a work program established under the  
27 jurisdiction of the Division of Parole and Probation.

28 (2) An individual who participates in the work program shall receive  
29 credit of at least the federal minimum wage per hour toward the fine and court costs.

30 [(f)] (1) (i) In this subsection, "farm labor" means agricultural work.

31 (ii) "Farm labor" includes:

32 1. the threshing or harvesting of crops;



